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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 AMERICAN CIVIL RIGHTS FOUNDATION,) No. CV 07-06058 CRB
12 a non-profit, public benefit corporation,)
13 Plaintiff,) [PROPOSED] ORDER RE:
14 v.) PLAINTIFF'S MOTION TO
15 CITY OF OAKLAND, CALIFORNIA, a political) REMAND AND REQUEST
16 subdivision of the State of California, and the PORT) FOR ATTORNEYS' FEES
17 OF OAKLAND, a public entity,) Date: January 25, 2008
Defendants.) Time: 10:00 a.m.
) Place: Courtroom 8, 19th Floor
) Judge: The Hon. Charles R. Breyer

1 The Motion of Plaintiff American Civil Rights Foundation came on regularly for a hearing
2 before this Court on January 25, 2008, at 10:00 a.m., with Honorable Justice Charles R. Breyer
3 presiding. Plaintiff was represented by Sharon L. Browne and Joshua P. Thompson. After hearing
4 arguments of the parties, as well as the documents submitted in support, opposition to the Motion,
5 and reply to the opposition the Court hereby grants the Plaintiff's Motion to Remand to the
6 Superior Court of California, Alameda County, on the following grounds:

7 1. Defendants failed to remove this action within the 30-day time-limit prescribed by
8 28 U.S.C. § 1446(b);

9 2. Plaintiff has not stated a cause of action granting this Court subject matter
10 jurisdiction; and

11 3. In that Plaintiff's standing is based on California state law principles, Plaintiff does
12 not have Article III standing to maintain an action in federal court.

13 Consequently, pursuant to 28 U.S.C. § 1447(c), Defendant is hereby ordered to pay
14 Plaintiff's costs and attorneys' fees in the amount of \$_____ incurred in
15 opposing this removal.

16 IT IS SO ORDERED.

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19 DATED: _____.

20 THE HONORABLE CHARLES R. BREYER
United States District Court Judge

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